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AMENDMENTS TO LB 729

(Amendments to Standing Committee amendments, AM2565)

1 1. Insert the following new sections:

2 "Sec. 4. Section 17-301, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 17-301. (1) Whenever any city of the first class
5 decreases in population until it has a population of less than five
6 thousand inhabitants and more than eight but not less than four
7 thousand five hundred inhabitants, as ascertained and officially
8 promulgated by the federal decennial census, enumeration, and
9 return taken by the United States, by the State of Nebraska, or by
10 the authority of the mayor and city council of any such city, the
11 mayor of any such city shall certify such fact to the Secretary of
12 State.

13 (2) Whenever any city of the first class decreases in
14 population until it has a population of less than four thousand
15 five hundred inhabitants but more than eight hundred inhabitants as
16 ascertained and officially promulgated by the federal decennial
17 census, the mayor of any such city shall certify such fact to the
18 Secretary of State.

19 (3) Whenever the Secretary of State receives a
20 certification pursuant to subsection (1) of this section from the
21 same city after two consecutive federal decennial censuses, he or
22 she of the State of Nebraska who, upon the filing of such a
23 certificate, shall by proclamation so declare and shall declare

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1 such city to have become a city of the second class, ~~except~~ as
2 provided in section 17-305. ~~Thereafter~~

3 (4) Whenever the Secretary of State receives a
4 certification pursuant to subsection (2) of this section, he or she
5 shall declare such city to have become a city of the second class
6 as provided in section 17-305.

7 (5) Beginning on the date upon which a city becomes a
8 city of the second class pursuant to section 17-305, such city
9 shall be governed by the provisions of the statutes of the State of
10 Nebraska applicable to cities of the second class. ~~Upon such~~
11 ~~proclamation being made by the Secretary of State, every officer of~~
12 ~~such city shall, within thirty days thereafter, qualify and give~~
13 ~~bond as provided by the statutes of the State of Nebraska in cases~~
14 ~~of cities of the second class. In any city which may hereafter~~
15 ~~become a city of the second class, having been a city of the first~~
16 ~~class, any council member whose term extends by reason of his or~~
17 ~~her prior election under the provisions governing cities of the~~
18 ~~first class through another year or years shall continue to hold~~
19 ~~his or her office as council member from the ward in which he or~~
20 ~~she is a resident as if elected for the same term under the~~
21 ~~statutes of the State of Nebraska governing cities of the second~~
22 ~~class.~~

23 Sec. 5. Section 17-302, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 17-302. The government of ~~such~~ a city shall continue, as
26 organized at the date of ~~such proclamation~~ the declaration of the
27 Secretary of State under section 17-301, until the reorganization

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1 of the same under section ~~17-301~~ 17-305.

2 Sec. 6. Section 17-303, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 17-303. The mayor and council shall, within ~~thirty~~
5 ninety days after ~~such proclamation~~ the declaration of the
6 Secretary of State under section 17-301, divide the city into not
7 less than two nor more than six wards, as may be provided by
8 ordinance of the mayor and city council thereof. Such wards shall
9 contain, as nearly as practicable, an equal area and an equal
10 number of legal voters. Such division and boundaries of ~~said~~ such
11 wards, so to be defined by ordinance, shall take effect on the
12 first day of the first succeeding municipal year following the next
13 general city election after such reorganization. Any council
14 member whose term continues, by reason of his or her prior election
15 under the statutes governing cities of the first class, through
16 another year or years beyond the date of the reorganization as a
17 city of the second class shall continue to hold his or her office
18 as council member from the ward in which he or she is a resident as
19 if elected for the same term under the statutes governing cities of
20 the second class.

21 Sec. 7. Section 17-305, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 17-305. (1) Upon the expiration of one year after the
24 date of the declaration of the Secretary of State under section
25 17-301, the city shall be, as of that date, incorporated as a city
26 of the second class. All ordinances, bylaws, acts, regulations,
27 obligations, rules, and proclamations existing and in force in or

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1 with respect to any such city at the time of ~~its incorporation as a~~
2 ~~city of the second class~~ the declaration of the Secretary of State
3 under section 17-301 shall be and remain in full force and effect
4 ~~after such incorporation as a city of the second class until~~
5 ~~repealed or modified by such city within one year from the date of~~
6 ~~the proclamation by the Secretary of State that such city is for a~~
7 ~~period of one year and may be enacted, altered, or amended during~~
8 ~~such period in a manner consistent with the statutes governing~~
9 ~~cities of the first class, except that any such acts, alterations,~~
10 ~~or amendments shall not be effective beyond the date upon which the~~
11 ~~city is incorporated as a city of the second class. a city of the~~
12 ~~second class.~~

13 (2) Notwithstanding the provisions of subsection (1) of
14 this section, a city shall amend, repeal, or modify all ordinances,
15 bylaws, acts, regulations, obligations, rules, and proclamations
16 which are existing and in force in or with respect to such city at
17 the time of the declaration of the Secretary of State under section
18 17-301 and which are inconsistent with the statutes governing
19 cities of the second class in a manner which is in conformance and
20 consistent with the statutes governing cities of the second class
21 to take effect upon the effective date of the city's incorporation
22 as a city of the second class.

23 Sec. 8. Sections 17-301 to 17-305 apply to cities of the
24 first class whose population has decreased to less than five
25 thousand inhabitants but more than eight hundred inhabitants
26 according to the federal decennial census in the year 2000 and in
27 each subsequent federal decennial census."

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- 1 2. Renumber the remaining sections and correct the
- 2 repealer and internal references accordingly.